IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 19971 of 2006(C)

PETITIONER:

SUDHEER BABU.K.V.,
S/O.THE LATE KARAYI KRISHNAN,
AGED 46 YEARS, HEALTH INSPECTOR GRADE-II,
COMMUNITY HEALTH CENTRE, VELLANAD,
THIRUVANANTHAPURAM.

BY ADV. SRI.O.V.RADHAKRISHNAN (SR.)
SMT.K.RADHAMANI AMMA
SRI.ANTONY MUKKATH
SRI.K.V.JOY
SRI.K.RAMACHANDRAN (THYKOODAM)

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, HEALTH AND FAMILY WELFARE
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

3. ADDITIONAL DIRECTOR OF HEALTH
SERVICES, THIRUVANANTHAPURAM.

4. P.RAMABAI, HEALTH INSPECTOR GRADE-II,
PRIMARY HEALTH CENTRE, THRIPPANGOTTOOR,
KANNUR DISTRICT.

5. CHANDRAN ARIKOT, HEALTH INSPECTOR GRADE-II, COMMUNITY HEALTH CENTRE, PANOOR, KANNUR DISTRICT.

6. PANKAJAVALLY, HEALTH INSPECTOR GRADE-II, PRIMARY HEALTH CENTRE, MANGATTADAM, KANNUR DISTRICT.

7. M.RAVEENDRAN, HEALTH INSPECTOR GRADE-II, PRIMARY HEALTH CENTRE, CHANDANAKKAMPARA, KANNUR.

BY ADV. SRI.B.RAMAN PILLAI
SRI.GEORGE PHILIP
SRI.R.ANIL
SRI.RAJU RADHAKRISHNAN
R1 TO R3 BY GOVERNMENT PLEADER(SHRI T.T. MUHAMMED)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO. 19971 OF 2006 C

PETITIONER'S EXHIBITS:

EXT.P1 PHOTO COPY OF THE EXTRACT ORDER NO.304/401/04 DHS DATED 28.9.2005 OF THE 2ND RESPONDENT.

EXT.P2 PHOTO COPY OF G.O.(P) NO.12/04/P & ARD DATED 10.9.2004 OF THE 1ST RESPONDENT.

EXT.P3 PHOTO COPY OF THE REPRESENTATION DATED 5.10.2005 OF THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P4 PHOTO COPY OF THE LETTER NO.A4-32415/05/DMOH DATED 7.10.2005 OF THE DISTRICT MEDICAL OFFICER, THIRUVANANTHAPURAM.

EXT.P5 PHOTO COPY OF THE ORDER NO.EG4/32800/05/DHS DATED 7.10.05 OF THE THIRD RESPONDENT.

EXT.P6 PHOTOCOPY OF THE ORDER NO.EG4-49200/02/DHS DATED 25.10.2005 OF THE THIRD RESPONDENT.

EXT.P7 PHOTOCOPY OF REPRESENTATION DATED 19.11.2005 OF THE PETITIONER TO THE MINISTER FOR HEALTH.

EXT.P8 PHOTOCOPY OF THE ERRATUM ORDER NO.EG4/32800/05/DHS DATED 22.11.05 OF THIRD RESPONDENT.

EXT.P9 PHOTOCOPY OF THE ORDER NO.EG4/4001/04/DHS/DT DATED 25.11.2005 OF THE THIRD RESPONDENT.

EXT.P10 PHOTO COPY OF THE REPRESENTATION DATED 30.11.2005 OF FOURTH RESPONDENT TO FIRST RESPONDENT.

EXT.P11 PHOTO COPY OF REPRESENTATION DATED 30.11.2005 OF THE FIFTH RESPONDENT TO THE FIRST RESPONDENT.

EXT.P12 PHOTO COPY OF THE ORDER DATED 13.12.2005 IN W.P.(C) NO.34707 OF 2005 OF THIS HONOURABLE COURT.

EXT.P13 PHOTO COPY OF THE JUDGMENT DATED 13.12.2005 IN W.P. (C) NO.34707 OF 2005 OFTHIS HONOURABLE COURT.

EXT.P14 PHOTO COPY OF THE ORDER DATED 13.12.2005 IN W.P.(C) NO.34714 OF 2005 G OF THIS HONOURABLE COURT.

EXT.P15 PHOTO COPY OF THE JUDGMENT DATED 13.12.2005 IN W.P. (C) NO.34714 OF 2005 G OF THIS HONOURABLE COURT.

EXT.P16 PHOTO COPY OF THE REPRESENTATION DATED 13.1.2006 OF THE PETITIONER TO THE FIRST RESPONDENT.

EXT.P17 PHOTO COPY OF THE LETTER NO.A2/6833/06 DATED 10.3.2006 OF THE DISTRICT MEDICAL OFFICER TO THE 2ND RESPONDENT.

EXT.P18 PHOTO COPY OF THE REPRESENTATION DATED 18.3.2006 OF THE PETITIONER TO THE MINISTER FOR HEALTH.

EXT.P19 PHOTOCOPY OF THE GOVERNMENT LETTER NO.58133/C2/2005/H & FWD DATED 21.3.2006 OF THE FIRST RESPONDENT.

EXT.P20 PHOTO COPY O THE ORDER NO.EG4/4001/2004/DHS DATED 9.5.2006 OF THE THIRD RESPONDENT.

EXT.P21 PHOTO COPY OF REPRESENTATION DATED 28.5.2006 OF THE PETITIONER TO THE FIRST RESPONDENT.

EXT.P22 PHOTO COPY OF THE ORDER NO.A2/10777/06 DATED 1.6.2006 OF THE DISTRICT MEDICAL OFFICER, KANNUR.

EXT.P23 PHOTO COPY OF THE FAX MESSAGE NO.A2.4365/06 DATED 11.1.2007 OF THE DISTRICT MEDICAL OFFICER, KANNUR.

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 19971 OF 2006 C

Dated this the 24th January, 2007

JUDGMENT

Case of petitioner, in brief, is as follows:

Petitioner was appointed as Health Inspector Grade II and posted at Thiruvananthapuram. His home District is Kannur. He claims the benefit of Exts.P2 and P19 Orders. According to him, he is entitled to be transferred back to a vacancy arisen in his home District even without completion of three years, is his case. He challenges the appointment given to respondents 4 to 7 in Kannur District, stating that they do not belong to Kannur District, but Kozhikode District. Petitioner has filed I.A. No.768/07, pointing out that during the pendency of the Writ Petition vacancies exist as evident from Ext.P23. Learned Government Pleader got instructions in the matter and he would submit that there is a vacancy of Health Inspector Grade II in Kannur District and the petitioner will be allotted the vacancy in Kannur District. In such circumstances, the Writ Petition is

disposed of directing second respondent, Director of Health Services, to issue order transferring the petitioner as Health Inspector Grade II to the vacancy existing in Kannur District. This shall be done within a period of two weeks from today.

K. M. JOSEPH, JUDGE

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